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Eighteenth session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 7 May 1998, at 10 a.m.

Chairperson: Mr. CEAUSU

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of the Netherlands (Netherlands Antilles) (continued) (E/1990/6/Add.11, 12 and 13; HRI/CORE/1/Add.66, 67 and 68; E/C.12/A/NET/1; E/C.12/Q/NET/1 (List of issues); written replies by the Government of the Netherlands, unnumbered document distributed in English only at the meeting)

1. At the invitation of the Chairperson, the delegation of the Netherlands took places at the Committee table.

Articles 6 and 7: Right to work and right to just and favourable conditions of work (continued)

2. Mr. CORION (Netherlands, Netherlands Antilles), replying to questions posed at the previous meeting, said that the Netherlands Antilles had its own currency, the Antilles guilder, the value of which was slightly lower than that of the Netherlands guilder.

3. In 1989, in order to increase labour market flexibility, the Government had adopted two ordinances. The first, relating to temporary job agencies, had entered into force for the island of Curaçao on 1 November 1996. The hope was that it would shortly enter into force in the other islands.

4. The second aimed at promoting the employment of young job-seekers by exempting employers recruiting young people who had been out of work for over a year from various social contributions, which would be paid by the island governments. The latter were in financial difficulties, however, and believed that they would not be able to implement the ordinance. The central Government was making every effort to sort out those difficulties so that the two ordinances could be implemented as soon as possible.

5. Training and retraining courses were organized for unemployed people, among others by Feffik, the occupational training institute, and by "Speransa Pa Desempleado" ("hope for the unemployed"). The authorities were making every effort to combat unemployment so that the people of the country were not forced to seek work abroad.

6. The status of the Netherlands Antilles differed from the French overseas departments in that it constituted an autonomous part of the Kingdom of the Netherlands, which was not the case with the French overseas departments.

7. Mr. GRISSA asked what the main economic activities of the Netherlands Antilles were.

8. Mr. ADEKUOYE requested further information on the implementation of the structural adjustment plan, on cooperation with the International Monetary Fund (IMF) and on the role played by the international community and the Netherlands in development aid.

9. Mr. ANTANOVICH asked why there were no statistical data on vocational training and job guidance or on the employment and occupation of persons according to race, colour or religion and whether the coexistence of the very large number of ethnic groups and cultures in the Netherlands Antilles posed any problems, in the field of employment or otherwise.

10. Mr. TEXIER said that the preparation of such statistical data would be discriminatory.

11. The CHAIRPERSON gave the floor to the delegation of the Netherlands.

12. Mr. CORION (Netherlands, Netherlands Antilles) said that the main economic activities of the Netherlands Antilles were oil refining, tourism, the offshore financial industry, the port and trade. The agricultural sector was very poorly developed for reasons related to the quality of the soil. Islands such as Curaçao and Bonaire had to import practically all the agricultural products they consumed.

13. Unemployment on St. Maarten had increased greatly as a result of the damage recently caused by Hurricanes Luis and Marilyn.

14. The Netherlands provided substantial technical assistance to the Netherlands Antilles to help it implement its structural adjustment programme. The central Government was currently negotiating an agreement with the IMF.

15. Mr. AHMED said it was surprising that, whereas a 21-year-old worker was entitled to the full minimum wage, workers aged 20, 19, 18 and 17 received, respectively, only 90 per cent, 85 per cent, 75 per cent and 65 per cent of the minimum wage. That constituted age discrimination and would only encourage employers to hire very young people. It would also be interesting to know why the minimum wage varied considerably from one island to another and why a person who worked just over a third of normal working hours was entitled to the full minimum wage.

16. Mr. RIEDEL said that the argument put forward by the Government in its written replies - that the differences between the minimum wages were explained by differences in the cost of living from one island to another - was not entirely convincing. He also noted from the written reply that the Government intended to establish, for each island, a minimum wage applicable to all sectors of the economy. He wondered how matters stood in that regard.

17. Mrs. JIMENEZ BUTRAGUEÑO asked how minimum wages were calculated.

18. Mr. ADEKUOYE requested information on salary levels in the civil service.

19. The CHAIRPERSON gave the floor to the delegation of the Netherlands.

20. Mr. CORION (Netherlands, Netherlands Antilles) said that one of the reasons for setting the minimum wage in accordance with the worker's age was the high youth unemployment rate of 30 per cent, as against the national average of 15 per cent. By that means, which could not possibly be considered discriminatory, the Government hoped to encourage enterprises to recruit young people. As for the three different minimum wage levels, the Government had drafted a bill to reduce the three to a single minimum wage, although each island would still have its own level. Such differentiation was normal, since the cost of living in St. Maarten, for example, was higher than in Bonaire. In that regard he drew attention to an error in table 14 of the French text of the report (E/1990/6/Add.12). Contrary to the implications of the error, those who worked a third of normal working hours were entitled only to a third of the minimum wage.

21. Mr. RIEDEL asked what controls there were to make sure the minimum wage was paid in the service sector.

22. Mr. CORION (Netherlands, Netherlands Antilles) said that on each island a committee comprising representatives of the private sector, the trade unions and the authorities calculated the cost of living and on that basis suggested a minimum wage to be set by the Ministry of Social Affairs for that island. The level was reviewed every year in relation to developments in the cost of living. Labour Department inspectors on every island were responsible for checking that employers paid the minimum wage and, where necessary, imposing fines on those who failed to do so.

23. In reply to Mr. Antanovich, he said that the Government respected the multicultural nature of Netherlands Antilles society and pursued a policy of treating all citizens equally. It therefore did not have any statistics relating to race or religion. In reply to Mr. Adekuoye, he said that at the lower levels of the civil service salaries were slightly higher than in the private sector but substantially lower at the higher levels.

Article 8: Trade union rights

24. Mr. WIMER asked what enterprises, besides oil companies, were obliged to observe the "cooling-off" period mentioned in paragraph 54 of the report (E/1990/6/Add.12). Noting that the right to strike did not always seem to be exercised, he asked how many strikes had taken place over the previous 5 to 10 years.

25. Mrs. JIMENEZ BUTRAGUEÑO asked why the one reservation expressed by the Netherlands with regard to the Covenant related precisely to the right to strike, and only in the Netherlands Antilles and not in Aruba, for example.

26. Mr. RIEDEL asked whether there had been labour conflicts or strikes in the tourism sector.

27. Mr. CORION (Netherlands, Netherlands Antilles) said that workers had the right to strike and often exercised that right. The cooling-off period was imposed on enterprises of vital importance because the small island states that depended on a single sector (tourism, a single hospital or a single water company) would find it difficult to withstand a long strike. Over the past

eight years, however, there had not been a single occasion when the Ministry of Labour had required the cooling-off period to be observed. In Curaçao, the largest island, there had been 33 strikes in 1994, 32 in 1995 and 31 in 1996. In the tourism sector, at least two strikes a year took place, basically owing to the militancy of that sector's trade union. As for the reservation mentioned by Mrs. Jimenez Butragueño, the Netherlands intended to withdraw it shortly.

Article 9: Right to social security

28. Mrs. JIMENEZ BUTRAGUEÑO requested clarification of paragraph 63 of the report (E/1990/6/Add.12), which stated that sickness pay was not applicable for the days which, under normal circumstances, no wage would have been paid. What was meant by "normal" and in what circumstances might a wage not be paid? As to the changes the Government had proposed to make to labour legislation in 1996, she wondered what they were and how they had improved the situation.

29. Mr. CORION (Netherlands, Netherlands Antilles) said that sickness pay came from the employer for the first two days of sickness and then from social insurance. The intention was to make sure that a worker could not receive both a wage from the employer and sickness pay from insurance over the same period of time. The changes in the social security system had entered into force in March 1996. Sickness insurance now covered not only the worker but also members of his family.

Article 10: Protection of the family, mothers and children

30. Mr. GRISSA asked what meaning was placed on the word "family" in the Netherlands Antilles. In addition, he was concerned at the high proportion of one-parent families. In those circumstances, what protection was there for the rights of children, particularly those born out of wedlock?

31. Mrs. BONOAN-DANDAN said she failed to see why, in view of the extremely favourable benefits and tax breaks described in paragraphs 97ff. of the report (E/1990/6/Add.12), more women than men suffered from psychological conditions such as stress or depression. Furthermore, according to table 24 there was a high proportion of women over the age of 60 among the disabled population. What were the reasons for that situation and what was the Government doing to help women?

32. Mrs. JIMENEZ BUTRAGUEÑO requested clarification of the statement in paragraph 22 of the core document (HRI/CORE/1/Add.67) that "the abolition of slavery was followed by a period in which the slaves' descendants were still not encouraged to form monogamous family relationships". Would it not be appropriate to speak of "polygamy", or "polyandry"? What was the definition of a typical family in the Netherlands Antilles?

33. The CHAIRPERSON gave the floor to the delegation of the Netherlands.

34. Mr. CORION (Netherlands, Netherlands Antilles) said that the concept of "family" could cover a wide range of situations in the Netherlands Antilles. Under the form of cohabitation known as "Bibá", the man did not live under the same roof as the rest of the family but visited it regularly, which meant that

it was possible for him to have several households. As indicated in the core document, there were also families where the woman alone raised children born of different fathers. Clearly, the absence of the father had repercussions for the education of the children. The Government, however, made no distinction between children born in or out of wedlock. Nevertheless, it should be noted that the nuclear family was the commonest form of living together.

35. Mr. GRISSA asked whether there were any legal provisions protecting the rights of children born out of wedlock with regard to inheritance, education or diet.

36. Mrs. JIMENEZ BUTRAGUEÑO asked for further details of the parental obligations of fathers, particularly in the Bibá system. She suggested that campaigns should be mounted to make them more aware of their responsibilities.

37. The CHAIRPERSON gave the floor to the delegation of the Netherlands.

38. Mr. CORION (Netherlands, Netherlands Antilles) said that when the father refused to discharge his obligations with regard to his children the mother could apply to the Guardianship Council, which would take all necessary steps, through the courts if necessary, to compel him to do so. Currently, only children recognized by their father were able to inherit his property. A review of the matter was under consideration, however.

Article 11: Right to an adequate standard of living

39. Mr. GRISSA asked for an explanation of the extremely high proportion of people in the Netherlands Antilles who had no income.

40. Mr. AHMED, noting that according to table 18 of the report women were far less well paid than men, asked whether the Government intended to take any steps to redress the situation.

41. Mr. PILLAY wondered about the housing situation in the Netherlands Antilles, particularly in St. Maarten, where the 1995 hurricane had destroyed 75 per cent of the housing stock. To what level had the number of homeless risen? He also asked whether there had been forced evictions, since the matter was not mentioned in the report. Lastly, did the Netherlands Government continue to provide the Netherlands Antilles and Aruba with the same amount of financial assistance as it had provided up to 1990?

42. The CHAIRPERSON gave the floor to the delegation of the Netherlands.

43. Mr. CORION (Netherlands, Netherlands Antilles) said that unemployment benefit and other housing assistance for the jobless had not been taken into consideration in the statistics on the average income of the population, which explained why the figures in the report were so high. Wage differences between men and women had been practically eliminated in the civil service, although in the private sector men continued to hold the advantage, as the result of a sort of division of roles between the sexes. Boys were generally sent to school, whereas many girls stayed at home. In the long term, compulsory schooling for all would tend to equalize remuneration levels.

44. There was still a housing problem in St. Maarten and the other islands. A large proportion of the victims of the 1995 hurricane had nonetheless been rehoused, partly thanks to assistance from the Government of the Netherlands.

Article 12: Right to health

45. Mr. CEVILLE asked the delegation to provide further details on the legislation relating to abortion.

46. Mr. GRISSA noted, with reference to paragraph 150 of the report, that in 1994 the Netherlands Antilles had had a relatively high number of people who were HIV-positive. He wondered whether the situation had changed and whether studies had been undertaken to determine the principal causes of that situation.

47. Mr. ANTANOVICH asked the delegation to provide the Committee with data on mortality and life expectancy rates.

48. The CHAIRPERSON gave the floor to the delegation of the Netherlands.

49. Mr. CORION (Netherlands, Netherlands Antilles) said that abortion was illegal in the Netherlands Antilles. Pregnancies could, however, be terminated for medical reasons agreed by a committee of specialists. With regard to the numbers of HIV-positive people, he had already indicated in the written replies that the data in the report were wrong and that the true situation was not nearly so alarming. The Government and some NGOs were nevertheless examining ways of curbing the progression of the disease, which was spread primarily through sexual relations and drug abuse. Subject to confirmation, the mortality rate was believed to be between 5 and 6 per cent and life expectancy stood at 78 for women and 75 for men.

Articles 13 and 14: Right to education

50. Mr. THAPALIA wondered whether the free compulsory education mentioned in paragraph 157 of the report was a reality. If so, he asked for a breakdown of attendance and drop-out rates, by sex. He also asked whether human rights education was included in the school curriculum in the Netherlands Antilles, whether educational facilities existed for physically and mentally handicapped children and, if so, how many there were and what proportion of the budget was allocated to them.

51. Mr. RIEDEL asked whether Papiamento was taught at university and what the language of instruction was for the higher degrees of further education.

52. Mr. ANTANOVICH said he would like to know why girls seemed to get better results at school. Did that mean that the drop-out rate was higher among boys? Also, paragraph 172 stated that approximately 85 per cent of schools were neither established nor administered by the Government. He wondered whether the reference was to private schools, whether such schools were contracted out, for example, or, if not, who controlled the quality of education they provided.

53. Mrs. JIMENEZ BUTRAGUEÑO asked whether people aged 65 or over were entitled to an education. Was their experience called on within universities, for doctoral dissertations, for example? What part did human rights education play in the Netherlands Antilles? Were there special courses for officials or judges? What part did education on sexual equality play?

54. Mr. AHMED said he wished to know why the situation with regard to illegal migrants mentioned in paragraph 166 had not been regularized, since apparently they were treated as residents. Despite their illegal status, were they permitted to work?

55. The CHAIRPERSON gave the floor to the delegation of the Netherlands.

56. Mr. CORION (Netherlands, Netherlands Antilles) said that compulsory education was indeed a reality in practically the whole of the Netherlands Antilles. The Committee would be provided with more precise figures at a later stage. Human rights education did form a part of the school curriculum. Physically and mentally handicapped children could be accommodated. Further information would be given on the proportion of the budget allocated to such children.

57. In St. Maarten, Saba and St. Eustatius, English was spoken, and in Bonaire and Curaçao, Papiamento. Probably starting with the 1998 school year, the Ministry of Education intended to make Papiamento the language of instruction for the first four years. From the fifth year on, there would be two languages of instruction, Papiamento and Dutch. Dutch was essential for those who wished to continue their studies in the Netherlands. The only university in the Netherlands Antilles did not provide courses in all subjects.

58. The better results obtained by girls at secondary level were perhaps best explained by social problems such as drugs, which affected boys more than girls.

59. The fact that 85 per cent of schools were not administered by the Government was explained by the multicultural nature of society in the Netherlands Antilles. The schools concerned were mostly Catholic or Protestant. They could receive a Government subsidy in certain circumstances.

60. The range of possibilities open to older people was considerably narrower than in the Netherlands. They could take up secondary education if they had not had the opportunity to do so when younger, for example. Some forms of education made use of retired teachers.

61. School attendance rates were high and had already been so before the adoption of the Law on Compulsory Education. The drop-out rate was high and posed a real problem. The situation might be due partly to the fact that the language of instruction was not the pupils' mother tongue but Dutch. That was why the Ministry of Education was working on the language teaching reforms scheduled to take effect at the beginning of the next school year.

62. Migrant workers were in the Netherlands Antilles illegally and were not authorized to live or work there, but the Government could not overlook their

children's right to education. A child's right to education should not be affected by the fact that he or she had no right to be in the Netherlands Antilles. Illegal workers engaged in illicit work. A certain laxity had been displayed towards them and the issue of regulating them had not been addressed.

Article 15: Right to participate in cultural life

63. Mrs. BONOAN-DANDAN said she would like to know more about the cultural policy for the Netherlands Antilles, including the "Government Programme for the Netherlands Antilles for the period 1991-1998", mentioned in paragraph 202 of the report (E/1990/6/Add.12). She also wished to have further details of the "adjustment process ... [relating] to the re-evaluation of human qualities, all this in connection with an emancipatory approach in education".

64. Mr. RIEDEL asked whether steps had been taken to preserve the country's cultural heritage.

65. Mr. WIMER said he wished to know what influence the Rastafarian religious and cultural group had on the culture of the Netherlands Antilles.

66. Mrs. JIMENEZ BUTRAGUEÑO asked whether there were many NGOs or associations working for women's and old people's rights and, if so, how much contact they had with the Government.

67. The CHAIRPERSON gave the floor to the delegation of the Netherlands.

68. Mr. CORION (Netherlands, Netherlands Antilles) said that there were a large number of NGOs and other associations in the Netherlands Antilles and that they had good relations with the Government, even if they were highly critical of its actions. Some groups of professionals, such as police officers, were given courses on human rights, but others were trained in the Netherlands - judges, for example - and did not receive such training in the Netherlands Antilles.

69. The Rastafarians had originally played a leading role in society, particularly in St. Maarten and Curaçao, but in the course of time their influence had diminished and they played only a marginal role in the culture of the Netherlands Antilles.

70. The CHAIRPERSON said that the Committee had concluded its consideration of the Netherlands Antilles section of the second periodic report of the Netherlands.

The meeting rose at 1.05 p.m.